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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 09/845,421 | 04/30/2001 | Keith Moll | 1535 | 3410 |

7590 09/08/2004
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EXAMINER

LE, HIEU C

ART UNIT PAPER NUMBER

2142

DATE MAILED: 09/08/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/845,421

Applicant(s)

MOLL ET AL.

Examiner

Hieu c. Le

Art Unit

2142

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 17 is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) *
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

Claim Rejections - 35 U.S.C. § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-6,8-13, 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Wright Jr et al. (US Patent 5,857,102) in view of Blount et al. (US Patent 6,070,184)

As to claim 1, Wright discloses a method of transmitting data to a mobile wireless unit without the need for human interconnection (col. 6, lines 56-59), the method comprising:

receiving at least one transmission rule [communication agents known as agents describe communication session (col. 6, lines 63-66). Agents specify a particular transport to minimize the cost of a connection (transmission rule) (col. 7, lines 17-20)];

receiving a data download [form logic server 13 access data from data sources 180,182 (data down load) and creates an intermediate server between client and original server (col. 6; lines 22-33) and

automatically transmitting the data download to the mobile wireless unit in accordance with the at least one transmission rule (col. 5, lines 46-59).

Wright does not disclose,

establishing in a data storage medium at least one priority data structure that defines the at least one transmission rule; and as defined by the at least one priority data structure.

Blount discloses a wireless client server system (data storage medium) that transmits data to the client according to a set of rule configured by the user to provide optimized data transfer. The user preference list specifies the rules under which data should be automatically transferred

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(transmitted) some attributes including priority size , source (col. 7, lines 23-25,col. 11, lines52-60, col. 12, lines 24-30).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to use Blount's teaching to modify Wright's method by establishing in server (data storage medium) at least one priority data structure that defines at least one data transfer (transmission) rule in order to optimize data transfer in a weak connectivity environment such as wireless links.

As to claim 2, Wright further discloses receiving a result message indicative of whether transmission of a data download was successful (col. 8, lines 14-16);

extracting the result code from the result message (col. 11, line 66- col. 12, line 6), and storing the result code in a log file (col. 11, lines 66-67).

As to claim 3, refer to claim 1 rejection. Wright further discloses

a database (Fig. 3, items 180,182);

a data download stored in the database (col. 2, lines 35-42); and

a controller communicatively (fig. 3, form server 132 (controller) coupled to the database (180,182);

As to claim 4, Wright further discloses wherein the at least one priority data structure comprises a mapping table (col. 12, lines 24-30).

As to claim 5, Wright further discloses wherein the at least one priority data structure comprises a resource allocation table (col. 7, lines 17-20).

As to claim 6, Wright further discloses wherein the at least one priority data structure comprises an off-peak settings table [the user indicates a link preference for an inexpensive link

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(col. 14, lines 32-38) using an off-peak link which is an inexpensive link is obvious in view of an inexpensive link].

As to claim 8, Wright further discloses comprising a user interface, the user interface being communicatively coupled to the controller, the user interface receiving the at least one transmission rule from a human user and providing the at least one transmission rule to the controller (col. 11, lines 52-60, col. 12, lines 24-30).

As to claim 9, refer to claim 3 rejection. Wright further discloses a network logic server (Fig. 3 server 132), coupled to a logic server (Fig. 3, data sources 1,2) and Blount discloses a business logic server (col. 11, lines 52-60, col. 12, lines 24-30).

As to claim 10, refer to claim 8 rejection.

As to claim 11, refer to claim 4 rejection.

As to claim 12, refer to claim 6 rejection.

As to claim 13, refer to claim 5 rejection.

As to claim 15, Wright further discloses a network logic server (fig. 3, item 132) comprising, in combination: a memory (Fig. 3, items 180, 182);

a processing module, said processing module receiving from a business logic server and a data download and wherein the processing module transmits the data download to the mobile wireless unit in accordance with the at least one transmission rule [logic server 132 acts as an intermediate server between the client and original server (business logic server and access data (data download) and transmits it to the client according to specific particular transport to minimize the cost of a connection (transmission rule).

Wright does not disclose,

at least one priority data structure and as defined by the at least one priority data structure.

Blount discloses a wireless client server system (data storage medium) that transmits data to the client according to a set of rule configured by the user to provide optimized data transfer. The user preference list specifies the rules under which data should be automatically transferred (transmitted) some attributes including priority size , source (col. 7, lines 23-25,col. 11, lines52-60, col. 12, lines 24-30).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to use Blount's teaching to modify Wright's method by establishing in server (data storage medium) at least one priority data structure that defines at least one data transfer (transmission) rule in order to optimize data transfer in a weak connectivity environment such as wireless links.

3. Claims 7,14,16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wright Jr et al. (US Patent 5,857,102) in view of Blount et al. (US Patent 6,070,184) as applied to claims 3,9,15 and further in view of Applicant 's admitted prior art p. 3-p.4.

As to claim 7, neither Wright nor Blount discloses wherein the data download comprises a PRL.

Applicant's admitted prior art disclose wherein the data download comprises a PRL (p.3-p.4).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to use Applicant's admitted prior art teachings to modify the combined Wright's

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method and Blount by using PRL to determine a frequency band to use in order to facilitate finding this frequency band (p. 3-p. 4).

As to claim 14, refer to claim 7 rejection.

As to claim 16, refer to claim 14 rejection.

Allowable Subject Matter


Claim 17 is allowed.

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hieu Le whose telephone number is (703) 306-3101. The examiner can normally be reached on Monday to Friday from 7:30 AM to 4:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jack Harvey, can be reached on (703) 305-9705. The fax phone number for this Group is (703) 308-9051.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-3900.

Hieu Le


JACK B. HARVEY
SUPERVISORY PATENT EXAMINER